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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,915	03/26/2004	Miroslav R. Petrov	6570P026	6336

45062 7590 07/16/2007

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EXAMINER	
HASSAN, RASHEDUL	
ART UNIT	**PAPER NUMBER**
2179	

MAIL DATE	DELIVERY MODE
07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/814,915	PETROV ET AL.	
	Examiner	Art Unit	
	Rashedul Hassan	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-15,17-20,22-25 and 27-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-15,17-20,22-25 and 27-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 25 recites an "electronically accessible medium" in line 2. The specification does not provide proper antecedent basis for the claimed "electronically accessible medium".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10-12, 14-15, 18-20, 23-25, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ismael et al. (US 6,356,931) hereinafter Ismael.

For claims 1 (method), 15 (apparatus), 20 (system) and 25 (an article of manufacture), Ismael teaches a computer-implemented method employed within a network having a cluster architecture (Fig. 1, column 3 line 40-53), comprising:

displaying a representation of a plurality of management beans (MBeans) (column 2 lines 36-38, MBean 29 in Fig. 3) registered with an MBean server

(Framework 24 in Fig. 3, also column 5 line 5) on a graphical user interface of a computing device (browser of managed station 20 in Fig. 1), wherein each of the displayed MBeans represents a manageable resource within a cluster of application servers (Fig. 3, column 5 lines 53-54);

selecting one of the plurality of MBeans displayed in the graphical user interface (Summary of the invention, column 2 lines 31-43); and

accessing an attribute of the selected MBean with the graphical user interface (column 2 lines 23-28).

For claims 10 and 11, Ismael implicitly teaches selecting one of the plurality of displayed MBeans with a pointing device or a keyboard (9 in Fig. 2).

Claims 12 (method), 18 (apparatus), 23 (system) and 29 (article of manufacture) are directed to accessing an attribute of an MBean representing a cluster manager of the network. A "cluster manager" according to Fig. 12 and the specification is a component or resource to be monitored that is used for communicating messages between various application resources of the system. Since the system disclosed by Ismael necessarily requires such communication resource for communicating messages between various application resources in order to function as a system and since all resources to be monitored can be represented as MBeans and since all MBeans can be represented and their attributes accessed using a graphical user interface according to

Ismael, it follows that Ismael inherently teaches accessing an attribute of an MBean representing a cluster manager of the network.

For claims 14 (method), 19 (apparatus), 24 (system) and 30 (article of manufacture), Ismael teaches invoking an operation of the selected MBean with the graphical user interface (column 2 lines 29-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ismael in view of Yeluripati et al. (US 7,086,065) hereinafter Yeluripati.

For claim 13, Ismael does not teach accessing a queue size attribute of the MBean representing the cluster manager to determine a number of requests waiting in the queue. However, using a queue to process requests is a well-known mechanism used in the art. Yeluripati teaches a functional bean that receives client requests from a queue to service the request in a first come first serve basis (column 7 lines 45-54). Therefore, it would have been obvious to use a queue to service the requests in a MBean representing the cluster manager and subsequently access the queue size attribute of the MBean to determine a number of requests waiting in the queue. The motivation for using a queue would have been to serve the requests in a first come first serve basis (Yeluripati, column 7 lines 45-54) and the motivation for accessing the queue size attribute would have been to monitor the cluster manager performance.

Claims 3-9, 17, 22, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismael in view of Hessmer et al. (US2002/0112044) hereinafter Hessmer.

Ismael does not teach displaying a representation of a plurality of hierarchically organized MBeans as a tree structure having a root node, wherein the root node is an MBean representing the cluster of application servers. He does not teach that the tree structure further includes one or more server nodes depending from the root node and

showing kernel nodes, library nodes and service nodes depending from each of the one or more server nodes, wherein all these nodes are MBeans. Hessmer teaches a method and system for performing remote diagnostics on a process data access server, wherein he teaches displaying a set of diagnostic roots in the form of a hierarchical tree structure in the left pane of the graphical user interface associated with the diagnostic utility 100 (Fig. 4, [0056]). These diagnostic roots are elements to be monitored organized according to the type of elements. Hessmer's hierarchical tree structure organizes the presentation of the diagnostic roots having a root representing the cluster of servers and then showing a list of servers depending from the root and further showing various diagnostic roots depending from each of the servers. Therefore, it would have been obvious to a person of ordinary skill in the art to incorporate this aspect of Hessmer's teaching with that of Ismael to represent the plurality of MBeans, each representing a manageable resource, in a hierarchical tree structure and organized in groups under respective server nodes as kernel, service and library nodes respectively based on the type of the resource. The motivation for using a hierarchical tree structure for representing the MBeans in various groups would have been to provide scalability of elements to expose lower levels and their associated information and further to provide ready access to a broad spectrum of diagnostic data via a graphical user interface (Hessmer, [0056]).

Response to Arguments

The Examiner acknowledges and appreciates Applicant's amendment submitted on 04/24/2007.

Claims 2, 16, 21 and 26 have been cancelled by the Applicant.

Claims 1, 3-15, 17-20, 22-25 and 27-30 are still pending.

Based on the amendment previous rejections of claims 25-30 under 35 U.S.C. 101 are hereby withdrawn.

Applicant's arguments filed on 04/24/2007 have been fully considered but they are not persuasive.

Applicant has argued that Ismael does not teach, "a network having a cluster architecture" and that displayed management beans represent a manageable resource "within a cluster of application servers", as recited in claim 1.

The Examiner disagrees. Regarding "cluster architecture", the instant disclosure only says:

"In one embodiment, the computing device is part of a network having a cluster of application servers. The term "cluster of application servers" refers to a plurality of application servers organized into a cluster architecture (e.g., the cluster architecture illustrated in FIG. 12). In such an embodiment, each of the displayed MBeans represents a manageable resource the cluster of application servers" [0056].

The term "cluster architecture" is not defined in the disclosure, but only an example cluster architecture is illustrated. Therefore, without reading limitations from the specification into the claims, a broadest reasonable interpretation of the term "cluster architecture" in the context of a network is a plurality of computers inter-connected and grouped together in a network. Therefore, Fig. 1 of Ismael illustrates "a network having a cluster architecture" (Ismael: 41-53). Ismael further mentions that the stations 3, 4 and 5 are servers (c3:5-6, c3:1-c4:3). Therefore, Ismael also teaches that the displayed management beans represent a manageable resource "within a cluster of application servers", as recited in claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

(Rashedul Hassan)

WEILUN LO
SUPERVISORY PATENT EXAMINER